

**From:** [Pfeifer, David](#)  
**To:** [Cole, William \(MPCA\)](#)  
**Cc:** [Poleck, Thomas](#); [Johnson, Aaron](#); [Hemken, Meghan](#); [Phillips, Jennifer](#); [Edly, Kay](#)  
**Subject:** Dark River Use modification discussion  
**Start:** Thursday, October 18, 2018 2:00:00 PM  
**End:** Thursday, October 18, 2018 3:00:00 PM  
**Location:** R5Metcalf-ConfRm-R1612B/R5-Metcalf-16th-Floor  
**Attachments:** [Dark River Designated Trout Stream Segment UVD Class 1B 3B and 4A v1 AUG2018.pdf](#)

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Laura Lyle and Bill Cole would like to discuss with us a request (attached) from US Steel to remove drinking water, irrigation and industrial uses from a segment of the Dark River. The executive summary does a good job explaining the request.

Below are links to pertinent Statutes and Rules. Note that two citations in the submission cite the wrong Rule/Statute. Minnesota Statute 103G.271, subdiv. 5 and Minnesota Statute 103G.271, subdiv. 1 were cited, but the language cited corresponds with a different statute or rule (as called out in the appropriate Rule/Statute below).

Minnesota Statute 103G.261(a)(5) <<https://www.revisor.mn.gov/statutes/cite/103G.261>> – Prioritizes appropriations

Minnesota Statute 103G.285, subdiv. 2 <<https://www.revisor.mn.gov/statutes/cite/103G.285>> – Limits water appropriations during low flows

Minnesota Statute 103G.285, subdiv. 5 <<https://www.revisor.mn.gov/statutes/cite/103G.285>> – Appropriations from trout streams are limited to temporary appropriations (for any permits issued after June 3, 1977). This statute is inaccurately cited in the submission as 103G.271, subdiv. 5.

Minnesota Statute 103G.301, subdiv. 1 <<https://www.revisor.mn.gov/statutes/cite/103G.301>> – Catalogs documentation necessary for an application for a water appropriation

Minnesota Rules, part 6115.0660, subpt. 2 <<https://www.revisor.mn.gov/rules/6115.0660/>> – Applicants for water appropriation permits must show ownership/control of/license to use the land that borders the surface water that will be appropriated from. This rule was inaccurately cited in the submission as Minnesota Statute 103G.271, subdiv. 1.

Minnesota Rules, part 6115.0660, subpt. 3 <<https://www.revisor.mn.gov/rules/6115.0660/>> – Evidence should be given that the water source for appropriation is reasonable and practical. Hydrology/hydraulics, as well as alternative water sources should be considered.